



07-12-04

IFW

PATENT DOCKET 206,444

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: AVRAHAMI ET AL. **EXAMINER:**
SERIAL NO.: 10/775,725 **ART UNIT:**
FILED: February 9, 2004
FOR: HANDHELD APPARATUS
AND METHOD FOR
TRANSDERMAL DRUG
DELIVERY AND ANALYTE
EXTRACTION

July 8, 2004

STATEMENT OF FILING BY EXPRESS MAIL 37 C.F.R. § 1.10

This correspondence is being deposited with the United States Postal Service on July 8, 2004 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ET 537 590 689 US addressed to the Honorable Commissioner for Patents, Washington, D.C. 20231.

INFORMATION DISCLOSURE STATEMENT

**Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

This Information Disclosure Statement (hereinafter sometimes referred to as "IDS") is submitted in accordance with 37 C.F.R. §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. §1.97, as it is filed:

(Check one of the boxes opposite A-D)

☐ A. within three months of the filing date of the above-identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in the above-identified international application.

☒ B. before the mailing date of a first office action on the merits.

☐ C. after the times set forth in (A) and (B) above, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a notice of allowance under 37 C.F.R. §1.311, and the necessary statement pursuant to 37 C.F.R. §1.97(e) appears below (see box "i") or the necessary fee is enclosed (see box "ii" below).

(check one of the boxes opposite "i" or "ii" below)

☐ i. (check the applicable statement)

☐ I, the undersigned, hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

☐ I, the undersigned, hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

☐ ii. A check for the fee set forth in 37 C.F.R. §1.17(p), presently believed to be \$ 240.00, is enclosed.

☐ D. after the times set forth in (A), (B), and (C) above, but before payment of the issue fee, since Applicant petitions for the consideration of this Information Disclosure Statement by a petition enclosed herewith pursuant to 37 C.F.R. §1.97(d)(2), a check for the petition fee set forth in 37 C.F.R. §1.17(i), presently believed to be \$ 130.00, is enclosed, and the necessary statement pursuant to 37 C.F.R. §1.97(e) appears below:

(check the applicable statement)

☐ I, the undersigned, hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application

not more than three months prior to the filing of this Information Disclosure Statement.

☐ I, the undersigned, hereby state that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

2. In accordance with 37 C.F.R. §1.98(a)(1), this IDS includes a list on form PTO-1449 of all patents, publications, or other information submitted for consideration by the Office, incorporated into this IDS as an attachment hereto. Pursuant to 37 C.F.R. §1.98(b): (i) each U.S. patent listed is identified by patentee, patent number, and issue date; (ii) each foreign patent or published foreign patent application is identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application; and (iii) each publication is identified by author (if any), title, relevant pages of the publication, date, and place of publication. A legible copy of each document listed is attached and incorporated into this IDS, except that no copy of any U.S. patent application is included pursuant to 37 C.F.R. §1.98(a)(2)(iii) and except as explained below.

(check the boxes opposite A and/or B and fill in blanks, if appropriate)

☐ A. Document(s) _____ is (are) substantively cumulative to document(s) _____, and, in accordance with 37 C.F.R. §1.98(c), only a copy of each of the latter document(s) is (are) attached.

☒ B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon for an earlier filing date under 35 U.S.C. §120:

**USSN: 09/840,522 filed April 23, 2001 now U.S. Pat. No. 6,708,060
Issued March 16, 2004**

These documents are identified by attaching hereto copies of the forms PTO-892 and/or PTO-1449 from the files of the prior application(s) and Applicant requests that they be considered and made of record in this application in accordance with 37 C.F.R. §1.98(d). Pursuant to 37 C.F.R. §1.98(d), copies of these documents need not be provided with this IDS.

(check paragraphs 3 and/or 4, if applicable)

☐ 3. Document(s) _____ is (are) not in the English language. In accordance with 37 C.F.R. §§1.98(a)(3), 1.98(c), it is stated that:

(check the applicable statement(s))

☐ English translation(s) of the document(s) _____ (or of the pertinent portions thereof) is (are) enclosed and, thus no concise explanation of their relevance is required, (see M.P.E.P., §609, p. 600-92).

☐ English-language equivalent(s) of the document(s) _____ (or of the pertinent portions thereof) which is (are) in fact translation(s) of the document(s) is (are) enclosed.

☐ The attached English-language version of a search report or other action by a foreign patent office in a counterpart foreign application which cites document(s) _____ and which indicates the degree of relevance found by the foreign office is submitted to satisfy the requirement for a concise explanation of the relevance of the document(s), (see M.P.E.P., §609, p. 600-93).

☐ A concise explanation of the relevance of document(s) _____ is set forth as follows:

[insert concise explanation of relevance]

☐ A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.

☐ A concise explanation of the relevance of document(s) _____ can be found on the attached sheet.


☐ 4. Other information being provided for the Examiner's consideration follows:

[insert other information]

5. In accordance with 37 C.F.R. §§1.97(g), 1.97(h), the filing of this IDS shall not be construed as a representation that a search has been made or as an admission that information cited in this IDS is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

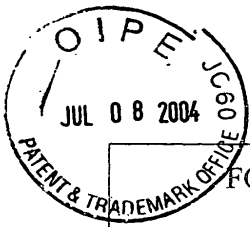
6. Please charge any deficiency or other fees or credit any refund or overpayment to Deposit Account No. 01-0035.

Respectfully submitted,


Jay S. Cinamon
Attorney for Applicants
Registration No. 24,156

ABELMAN, FRAYNE & SCHWAB
150 East 42nd Street
New York, NY 10017-5612
(212) 949-9022

colb\7804av1.ids



Date: November 25, 2002

Page 1 of 1

FORM PTO-1449 (Colb)	ATTY DOCKET NO. 205,085	SERIAL NUMBER 09/840,522
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Zohar AVRAHAMI, et al.	EXAMINER Sharon Kennedy
	FILING DATE April 23, 2001	GROUP ART UNIT 3763

U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	4,175,551	Nov. 1979	D'Haenens, et al.			
	AB	5,797,966	Aug. 1998	Bontoux, et al.			
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AK	WO 01/13989	Mar. 2001	PCT			
	AL						

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AM	
EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449 (Colb)	ATTY DOCKET NO. 205,085	SERIAL NUMBER 09/840,522
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Zohar AVRAHAMI, et al.	
	FILING DATE April 23, 2001	GROUP ART UNIT 3762

U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	4,775,361	Oct. 1988	Jacques et al.			
	AB	5,165,418	Nov. 1992	Tankovich			
	AC	5,423,803	Jun. 1995	Tankovich et al.			
	AD	5,019,034	May 1991	Weaver et al.			
	AE	5,885,211	Mar. 1999	Eppstein et al.			
	AF	6,022,316	Feb. 2000	Eppstein et al.			
	AG	6,142,939	Nov. 2000	Eppstein et al.			
	AH	6,173,202	Jan. 2001	Eppstein et al.			
	AI	3,964,482	Jun. 1976	Grestel			
	AJ	6,050,988	Apr. 2000	Zuch			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AK	WO 97/07734	06.03.97	PCT	A61/B	5/00	
	AL	WO 93/10854	10.06.93	PCT	A61/N	1/30	

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AM	Henry et al., "Micromachined needles for the transdermal delivery of drug", IEEE 11 th Annual International Workshop on Micro-Electro-Mechanical Systems, 1998, pp. 494-498.
EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449 (Colb)	ATTY DOCKET NO. 205,085	SERIAL NUMBER 09/840,522
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Zohar AVRAHAMI, et al.	
	FILING DATE April 23, 2001	GROUP ART UNIT 3762

U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	6,083,196	Jun. 2000	Trautman et al.			
	AB	6,148,232	Nov. 2000	Avrahami			
	AC	6,159,194	Dec. 2000	Eggers et al.			
	AD	6,090,106	Jul. 2000	Goble et al.			
	AE	6,066,134	May 2000	Eggers et al.			
	AF	6,024,733	Feb. 2000	Eggers et al.			
	AG	4,943,290	Jul. 1990	Rexroth et al.			
	AH	5,380,272	Jan. 1995	Gross			
	AI	6,041,253	Mar. 2000	Kost, et al.			
	AJ	5,421,817	Jun. 1995	Liss, et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AK	WO 94/27671	08.12.94	PCT	A61N	1/30	
	AL	EP 0547 482	06.05.98	EPO	A61N	1/30	

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AM	Chizmadzhev, et al., "Electrical properties of skin at moderate voltages", Biophysics Journal, February 1998, 74(2), pp. 843-856.
EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449 (Colb)	ATTY DOCKET NO. 205,085	SERIAL NUMBER 09/840,522
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Zohar AVRAHAMI, et al.	
	FILING DATE April 23, 2001	GROUP ART UNIT 3762

U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	5,232,441	Aug. 1993	Stephen, et al.			
	AB	5,911,223	Jun. 1999	Weaver, et al.			
	AC	5,571,149	Nov. 1996	Liss, et al.			
	AD	5,328,452	Jul. 1994	Sibalis			
	AE	5,135,478	Aug. 1992	Sibalis			
	AF	5,964,726	Oct. 1999	Korenstein, et al.			
	AG	5,688,232	Nov. 1997	Flower			
	AH	5,983,131	Nov. 1999	Weaver, et al.			
	AI	6,009,344	Dec. 1999	Flower, et al.			
	AJ	5,697,896	Dec. 1997	McNichols, et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AK	WO 94/16765	04.08.94	PCT	A61N	1/30	
	AL						
	AM						

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AN	"Instructions Manual for the Force 2 Electrosurgical Generator", Valleylab/TycoHealthcare Group LP, Boulder, Colorado, 1999.
EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449 (Colb)	ATTY DOCKET NO. 205,085	SERIAL NUMBER 09/840,522
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Zohar AVRAHAMI, et al.	
	FILING DATE April 23, 2001	GROUP ART UNIT 3762

U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	5,674,267	Oct. 1997	Mir, et al.			
	AB	5,983,130	Nov. 1999	Phipps, et al.			
	AD	5,439,440	Aug. 1995	Hoffman			
	AE	5,458,140	Oct. 1995	Eppstein, et al.			
	AF	5,722,397	Mar. 1998	Eppstein			
	AH	6,030,399	Feb. 2000	Ignotz, et al.			
	AI	6,183,434	Feb. 2001	Eppstein			
	AJ	5,792,049	Aug. 1998	Eppstein, et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AK						
	AL						
	AM						

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AN	
EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449 (Colb)	ATTY DOCKET NO. 205,085	SERIAL NUMBER 09/840,522
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Zohar AVRAHAMI, et al.	
	FILING DATE April 23, 2001	GROUP ART UNIT 3762

U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	5,860,421	Jan. 1999	Epstein, et al.			
	AB	5,924,981	Jul. 1999	Rothfritz, et al.			
	AC	6,002,482	Dec. 1999	Rothfritz, et al.			
	AD	6,045,502	Apr. 2000	Epstein, et al.			
	AE	6,192,734	Feb. 2001	Rothfritz, et al.			
	AF	5,458,140	Oct. 1995	Epstein, et al.			
	AG	5,582,168	Dec. 1996	Samuels, et al.			
	AH	6,088,606	Jul. 2000	Ignatz, et al.			
	AI	6,055,451	Apr. 2000	Bambot, et al.			
	AJ	5,500,437	Mar. 1996	Saitoh, et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANSLATION
	AK						
	AL						
	AM						

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

	AN	U.S. Patent Appln. No. 09/859,646 entitled: "Electronic card for transdermal drug delivery and analyte extraction, filed 5/17/01.
EXAMINER:		DATE CONSIDERED:
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

FORM PTO-1449 (Colb)	ATTY DOCKET NO. 205,085	SERIAL NUMBER 09/840,522
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Zohar AVRAHAMI, et al.	
	FILING DATE April 23, 2001	GROUP ART UNIT 3762

U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	5,631,169	May 1997	Lakowicz, et al.			
	AB	5,246,867	Sep. 1993	Lakowicz, et al.			
	AC	5,648,269	Jul. 1997	Lakowicz, et al.			
	AD	5,624,847	Apr. 1997	Lakowicz, et al.			
	AE	5,196,709	Mar. 1993	Berndt, et al.			
	AF	5,281,825	Jan. 1994	Berndt, et al.			
	AG	5,660,991	Aug. 1997	Lakowicz, et al.			
	AH	5,409,835	Apr. 1995	Lakowicz, et al.			
	AI	5,485,530	Jan. 1996	Lakowicz, et al.			
	AJ	5,628,310	May 1997	Rao, et al.			
	AK	5,759,767	Jun. 1998	Lakowicz, et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AL						
	AM						

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AN	
EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449 (Colb)	ATTY DOCKET NO. 205,085	SERIAL NUMBER 09/840,522
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Zohar AVRAHAMI, et al.	
	FILING DATE April 23, 2001	GROUP ART UNIT 3762

U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	5,720,772	Feb. 1998	Eckhouse			
	AB	5,871,469	Feb. 1999	Eggers, et al.			
	AC	5,902,272	May 1999	Eggers, et al.			
	AD	5,938,657	Aug. 1999	Assa, et al.			
	AE	6,076,012	Jun. 2000	Swanson, et al.			
	AF	6,104,952	Aug. 2000	Tu, et al.			
	AG	6,117,109	Sep. 2000	Eggers, et al.			
	AH	6,142,992	Nov. 2000	Cheng, et al.			
	AI	6,210,402	Apr. 2001	Olsen			
	AJ	6,228,078	May 2001	Eggers, et al.			
	AK	6,235,020	May 2001	Cheng, et al.			
	AL	6,238,391	May 2001	Olsen, et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AM						

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AN	
EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	